

97-84098-1

Cabrera, Luis

The religious question in
Mexico

[S.I.]

[1912?]

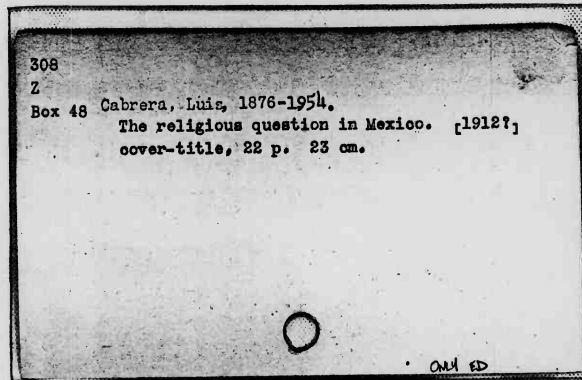
97-84098-1

MASTER NEGATIVE #

COLUMBIA UNIVERSITY LIBRARIES
PRESERVATION DIVISION

BIBLIOGRAPHIC MICROFORM TARGET

ORIGINAL MATERIAL AS FILMED - EXISTING BIBLIOGRAPHIC RECORD



RESTRICTIONS ON USE: Reproductions may not be made without permission from Columbia University Libraries.

TECHNICAL MICROFORM DATA

FILM SIZE: 35 mm

REDUCTION RATIO: 11:1

IMAGE PLACEMENT: IA (IIA) IB IIB

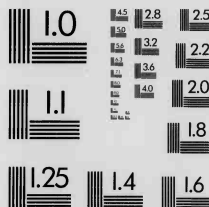
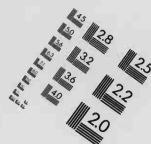
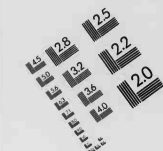
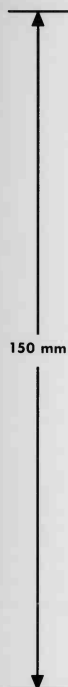
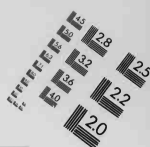
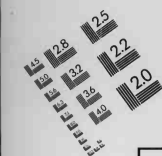
DATE FILMED: 5-23-97

INITIALS: PB

TRACKING #: MSH 21092

FILMED BY PRESERVATION RESOURCES, BETHLEHEM, PA.

PM-MGP METRIC GENERAL PURPOSE TARGET PHOTOGRAPHIC

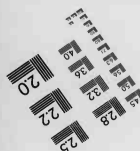
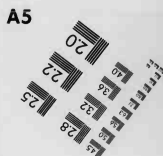


ABCDEFGHIJKLMNOPQRSTUVWXYZ
 abcdefghijklmnopqrstuvwxyz
 1234567890
 ABCDEFGHIJKLMNOPQRSTUVWXYZ
 abcdefghijklmnopqrstuvwxyz
 1234567890

ABCDEFGHIJKLMNOPQRSTUVWXYZ
 abcdefghijklmnopqrstuvwxyz
 1234567890

1.0 mm
 1.5 mm
 2.0 mm

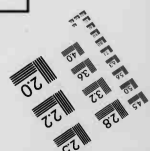
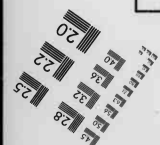
2.5 mm



PRECISIONSM RESOLUTION TARGETS



A&P International
 2715 Upper Afton Road, St. Paul, MN 55119-4760
 612/738-9329 FAX 612/738-1496



Gift
A. A. Artusoglio.
JUN 13 '16

THE RELIGIOUS QUESTION IN MEXICO



308
Z
Box 48

By
LUIS CABRERA



17/12

THE RELIGIOUS QUESTION IN MEXICO

The question of the Church in Mexico has not been well understood in the United States, because the conditions of the Mexican Catholic Church differ vastly from those of the Catholic Church in the United States.

In Mexico, ninety-nine per cent. of the population profess the Roman Catholic faith, and, therefore, the influence of the Catholic clergy in religious matters has no counterbalance of any sort.

In the United States there are other Churches which counterbalance the influence of the Catholic Church. On the other hand, the Catholic Church in the United States does not hold unlimited sway over society, nor can it attain uncontrollable political power; the very education of the American people has prevented Rome from exercising so far the influence which it exercises in other countries.

Before the war of the Reform (1856 to 1859), the Catholic Church was the strongest temporal power existing in Mexico, and the laws of the Reform enacted during that period all tended to deprive the Church of its power and bring about the absolute independence of Church and State.

The laws of the Reform are a collection of rules passed previous to 1860, with the aim of depriving the Catholic Church of its temporal power; and these rules have remained effective, because the conditions which then demanded their enactment still prevail and still make it necessary that the laws should remain in force.

The aim of the Revolution of Ayutla, from 1856 to 1859, was to deprive the Church of economic power and of its social influence, and it had to place the Church in a condition which, apparently, is disadvantageous and unjust, but which in reality was and continues to be the only possible manner of reducing the Catholic clergy to impotence.

The principal laws enacted previous to 1860, for governing the Church and stripping it of the temporal power which it enjoyed, are the following:

- (a) Separation of the Church and State.
- (b) Incapacity of the Church to possess landed property.
- (c) Abolition of convents.

These laws, which are called laws of the Reform, were established in Mexico after a revolution which may be considered the most bloody that Mexico has ever witnessed—a revolution which affected the country more deeply than even the present revolution is doing. The clergy defended themselves desperately against the laws which stripped them of power, and on finding themselves defeated, they resorted in 1860 to the intervention of foreign Powers (Spain, France and England), which attempted to intervene with the pretext of the fulfilment of the financial obligations of the Juarez Government.

The treason of the Clerical party had as a result French intervention only, but the laws of the Reform enacted against the clergy were of such

importance and so necessary, that the Emperor Maximilian himself did not dare to undo what had been done in the time of Juarez.

The French troops being withdrawn and the Constitutionalist Government of Mexico reestablished, the laws of the Reform were not only maintained, but in 1874 they were incorporated in the political Constitution.

At the present time, there are precepts contained in the Mexican Constitution which correspond to those laws of the Reform, and, according to that Constitution, all the laws and all the authorities of the country must enforce the fulfilment of those laws.

It becomes necessary at this moment to distinguish between the real aims of the Constitutionalist Government regarding the religious question, and that part of the actual happenings which is merely a deplorable consequence of the attitude assumed by the Catholic clergy since 1910 against the revolutionary movement.

The aim of the Constitutionalist Government with regard to the Mexican Catholic Church, is to enforce the strict observance of the laws known as laws of the Reform, which up to the present time have been disregarded. The Constitutionalist Government demands the fulfilment of these laws, because they form an integral part of the Mexican Constitution. These laws must be maintained because the causes which demanded their enactment are still prevalent in the country.

A brief analysis of the principal laws of the Reform will further clear up the matter.

THE SEPARATION OF THE CHURCH AND STATE.

According to the Mexican Constitution, there must be absolute separation between the Church and State. This signifies that the Church is to lack all temporal power and that, as an organized institution, it is not to participate in the political affairs of the country.

It has never been intended to deny Mexican Catholics either the exercise of their religion, or their right to take part in the political affairs of Mexico. We Constitutionalist are Catholics; the Villistas are Catholics; the Zapatistas are Catholics. Ninety-nine per cent. of the Mexican population is Catholic, and, therefore, the Constitutionalist party could not in the present struggle attempt to deprive the Catholics, who form the totality of the Mexican people, of their right to profess their religion, or of their right to take part in political questions.

The Catholic clergy and the Church in general abstained for a long time from interference in the political problems of Mexico. During the time of General Diaz, the Catholic clergy made no attempt to organize themselves for political campaigns, but appeared to maintain themselves in strict obedience to the law, in the belief, perhaps, that they could avail themselves of other indirect proceedings for exercising their influence in the political affairs of the country.

On the retirement of General Diaz from the Government, and on Francisco de la Barra's accession to the Presidency, the Catholic clergy of Mexico believed the moment had arrived to organize themselves for the political struggle, and to that effect a political group was formed, under the patronage of the Catholic clergy, made up chiefly of big land-owners. This group took the name of "Catholic Party," with deliberate intention of taking advantage of the religious sentiments of the population to induce it to vote in conformity with their directions. The Catholic clergy started to make propaganda in favor of the Catholic party, first in a discreet

manner, bringing moral pressure to bear upon the ignorant masses, who were unable to discern clearly where their duties as Catholics ceased, and where began their rights as citizens.

The Catholic party is, in a nutshell, the political organization of the Catholic Church of Mexico. This single fact constitutes a peril for democratic institutions, and was naturally bound to be looked upon with great disfavor by the anti-reactionist party, first, and later by the Constitutionalist party.

At the time that de la Barra was President, the Catholic party attempted to rob the Revolution of the fruits of its triumph, designating de la Barra as its candidate for the Presidency of the Republic. The considerable prestige which Madero enjoyed at that time frustrated this attempt of the Catholic party, which had to limit its pretensions to the Vice-Presidency of the Republic, resigning itself to have as President, Madero, a man sprung from the Revolution; and as Vice-President, de la Barra, a man perfectly well known as being of the ancient régime and the principal leader of the Catholic party.

In the elections of October, 1911, the formula of the progressive Constitutionalist party triumphed over the Madero-de la Barra formula, which was that of the party of the principal enemies of the Catholic Government; but from that moment that of the enemies of the Government of Francisco I. Madero.

In the elections for deputies and senators of 1912, the Catholic party succeeded in obtaining a considerable number of deputies, amounting to almost thirty per cent. of the Lower House; whilst the Senate, which was almost completely made up of Porfirista elements, was only renewed by half and scarcely obtained eight or ten senators as followers of the new régime.

The Catholic clergy of Mexico, directly and through the intermission of the Catholic Party, were one of the principal factors in the downfall of Madero, and although perhaps Huerta was not the candidate designated to replace him, the fact is that the Clerical chief, de la Barra, formed part of the Cabinet which resolved upon the murder of Madero and Pino Suarez.

Subsequently, the party obtained important posts for its principal leaders in the Government of Huerta, and finally supported the candidacy of Federico Gamboa.

It is unnecessary to enter into details regarding the decided assistance lent socially by the clergy, and the political support given by the Catholic party, to Huerta, with both their men and money. But the principal assistance given by the Catholic clergy to the Government of Huerta was contained in the efforts made by their principal dignitaries and other members of the high clergy to create an opinion, if not favorable to Huerta, at least very unfavorable to Constitutionalist.

This end was accomplished, not through the individual means that any citizen is at liberty to place at the disposal of a political party, but by taking advantage of the religious influence exercised by the Catholic clergy over the faithful, from the pulpit and in the confessional.

During the war against Huerta, one of the things which most greatly surprised the Constitutionalist was the extremely hostile and unjust opinion encountered by them in each of the towns which they came to occupy. It was in the nature of a paradox.

The strongest armed resistance that the Constitutionalist party encountered in the cities, in the form of social defence, was not an opposi-

tion caused by the sympathy which the residents of the cities might have experienced in favor of Huerta, but was originated in the antipathy which had been created against the Constitutionalist forces, whom the Catholic clergy on all occasions represented as bandits who were intent on seizing the towns solely for purposes of plunder, theft, violation of women, and murder. This opinion had its source in sermons, in the confessionals, and in an extensive correspondence, proofs of which have been secured.

The work done by the clergy in creating an opinion antagonistic to the Constitutionalist troops explains, if it cannot justify, many of the acts of aggression, and even attempts of Constitutionalist soldiers against members of the Catholic clergy.

Since the triumph of the Revolution, there has been on the part of the Constitutionalist Government no other aim with regard to the clergy than that of restricting them within the limits of their faculties and of their spiritual mission, that of making effective the separation of the Church and the State, and of keeping the clergy from taking any participation, as a religious institution, in our political questions. But a political struggle having developed, it is natural that the military groups should experience strong displeasure, especially on laboring under the effects of the clerical propaganda against the Revolution, and that, instead of limiting themselves to restrain the clergy within due bounds, they should overstep this limitation and even, on some occasions, attempt to interfere in matters of a purely religious character. The restriction of religious services in some places and the destruction of the confessionals are instances of this. The destruction of confessionals has been the most ostensible manifestation of the ill will with which the revolutionary troops have regarded the use that the Catholic clergy have made of the sacrament of confession as a weapon of political strife.

If the Catholic clergy had maintained themselves within their religious attributes, without interfering in the struggle, and, what is more, if they had not put in action the advantages which they derive from their capacity of intellectual directors of the masses, the counter-effects on the part of the Revolutionary troops would not have occurred.

It is unnecessary to repeat that the Constitutional Government itself has never pretended to interfere in religious matters, or to restrain in any manner the religious liberty of the Mexican people. The Constitutionalist Government does not propose to establish laws which affect religion, nor does it in any way propose to restrict religious practices.

The course of action followed by the Constitutionalist Government justifies this statement, since, owing to the influence of the First Chief of the Revolution, Venustiano Carranza, the military acts which were considered restrictive of religious liberty have been diminishing in number and in gravity.

PROPERTIES OF THE CHURCH.

The Mexican Constitution and the laws of the Reform determine that neither the Catholic Church nor any other religious corporation, regardless of character, denomination, duration or object, can own landed property.

The reason for this ordinance is that the Catholic clergy constituted, previous to 1856, the strongest economic power existing in the country.

In 1856, an attempt was made to disentail the properties of the clergy, that is, to destroy the mortmain, compelling the clergy to alienate their landed property. This was the tendency of the laws of disentailment.

The clergy vigorously resisted this law, believing that their economic power was thus considerably reduced, and with this motive started the struggle called the War of the Reform or Three Years' War.

The laws of 1856 did not expropriate the clergy, but in view of the latter's completely rebellious attitude, in 1859 Benito Juarez issued in Vera Cruz a law called "Nationalization of the Lands of the Clergy," by which was expropriated all the landed property of the Catholic clergy who had resisted and struggled against the disentailment of these lands.

In virtue of this law, the temples became national property, the titles of ownership remaining in the hands of the State, but the usufruct of the same being reserved to the Catholic Church. As to the clergy's landed property and real estate investments, these were turned over to the nation and awarded to individuals.

The vital point of the laws of the Reform regarding the Catholic clergy lies in the declaration of civil incapacity of religious corporations to own lands. This measure, though it may appear extreme, was absolutely necessary in 1859, in order to deprive the clergy of their temporal power. The measure still continues to be absolutely indispensable, because if religious corporations were at this moment permitted to acquire landed property, a considerable mortmain would immediately be created, from which a great amount of power would again be derived by the Catholic Church, who would thus recover their temporal power, which all countries have admitted should not be tolerated. Moreover, it can be said that the reason for which the Catholic Church of Mexico has taken, as a Church, participation in the political struggle, and attempts to recover its influence and its temporal power, is that for several years past it has been successfully evading the law in so far as regards the possession of lands.

According to the Mexican law, the Catholic Church is incapacitated from acquiring lands, by which is understood not only landed property, but also capital invested in real estate.

The Mexican law also prohibits the fiefdoms which might cause the property to appear in the hands of an individual, when it really belongs to the Church, or is used exclusively for the benefit of the Church.

Fiefdoms from bishop to bishop are not permitted in Mexico, and the states owned by members of the clergy are considered as their personal property, to be freely transmitted to the voluntary or legal inheritors of the owners.

The estates of a bishop in Mexico, when not acquired through agreement or bequest, are to be transmitted to his legal inheritors.

For a long time past, Mexican bishops, rectors and even a number of laymen have been owning lands which apparently are their personal property, but the products of which in reality are destined to be turned over to the Church. These lands effectually constitute a mortmain, because their owners, before dying, have to bequeath them to the persons previously designated by the Church, whether to the succeeding bishop or to any other person especially designated to that effect.

That is how the Church has, against the law, been acquiring a large amount of landed property having the appearance of private property.

But, in practice, the lands personally owned could not always be taken over without difficulties by the new trustee designated by the Church, and experience showed that from time to time properties were lost to the Church which were claimed by the legal inheritors of the owner apparent.

These losses emphasized the advisability of finding other means to tie up the property to the Church, without ostensibly violating the laws of

the Reform. In some places stock companies have been organized, without any determined mercantile end, but solely for the purpose of managing the estates which might be entrusted to these companies. The capital of the companies was made up of contributions by the members of the clergy or by individuals; the shares of the company, and therefore, its management, being retained by the bishops. Notable instances of this can be had in the bishoprics of Durango, Puebla, and several other parts of the country.

Briefly, it can be said that the Catholic Church, transgressing the law which prohibits it from acquiring landed property, has found means of necessary, just and legal appearance for possessing lands, which have served it to recover little by little its political influence.

The confiscation of the lands illegally possessed by the Catholic Church of Mexico is a necessary, just and legal confiscation, and in that sense, all the confiscations of lands pertaining to the Church are legitimate, for which reason the Constitutionalist Government is in the right in continuing the same policy, not only confiscating the properties which are openly in the ownership of the clergy, but also investigating those properties which apparently belong to individuals, but which, through the history of their former owners and through the form of their administration, can be clearly distinguished as properties of the Church.

As regards the temples, since the passing of the laws of the Reform, the ownership has been retained to the State, their use being reserved to the Catholic Church. In fact, the Catholic Church has for many years used the temples without restriction of any kind and without paying rents, pensions or contributions of any sort.

The limiting of the number of temples which are needed in each place for religious services would have to be left to the judgment of the Church; but as the Catholic clergy of Mexico exercise absolute control in religious matters, without intervention of any kind by the community, that is, by the parishioners, in the administration of the estates or in the management of the temporal interests of the parishes, or still less in the organization of the religious services, there is nothing to serve as a basis for determining the number of temples required by a certain parish or a certain city.

It is, therefore, with State alone that the Church can come to an understanding regarding the number of temples to be reserved for the service, and the Government, as administrator of the nation's property, has the unquestionable right to dispose of the temples, when required for uses which, in its estimation, are of higher importance than the religious service, and above all, when, because of the abundance of temples in a single city, the number of those available for religious services is considered excessive.

Up to the present time, the Government has not made use of this right.

Immediately after the passing of the laws of the Reform, and principally since 1867, the Juarez Government took over some of the many temples in existence, for the purpose of turning them to public uses, so that in the principal cities of the country it may be seen that the libraries, universities, hospitals, and many other charitable institutions occupy buildings which originally were temples. Since 1876, the Catholic Church has enjoyed unmolested the possession of a great number of temples, and the Government up to the present had not tried to make use of its right to consolidate the property of some of them, nor had there been any occasion to discuss the number of temples necessary for religious services.

The truth of the matter is that in some cities of Mexico the number of temples open to public service is considerably excessive, in proportion to the religious needs. A population of 10,000 inhabitants has enough with one or two temples open for worship; however, there are towns, such as the City of Cholula, in which the number of churches is so great in proportion to the population that a source of real curiosity is found by tourists in the vast number of temples, all of which are open for service, all affording occupation to priests, and, therefore, signifying a strong contribution on the part of the faithful.

Puebla is a city of 100,000 inhabitants, and it is curious to note that, until the time of its occupation by the Constitutionalist Army, it had nearly 200 temples open to the public.

Merida is a city of 60,000 inhabitants, and it has enough with twelve temples, that is, one for each 5,000 souls.

The city of Vera Cruz has a normal population of 50,000 inhabitants, and three churches have already sufficed for religious services.

Up to the present time, the number of temples destined for public service in each place has been unlimited. The Government, notwithstanding its unquestionable right to dispose of the buildings and to determine which are those that should be reserved for religious services and which can be destined for other purposes, had not limited the number of temples which the Catholic Church controlled.

Lately, however, the attitude assumed by the clergy against the Constitutionalist Revolution brought about the closing of certain temples to religious services by a number of military chiefs and State Governors, on their capturing towns.

This could be regarded as an act of hostility, or as a sort of reprisal against the Catholic clergy, but in reality, and even supposing that such were the case, the closing of some of the temples, which never reached the extent of the total closing up of all the churches in a town, does not constitute an illegal act and is not censurable except in so far as regards the occasion on which it occurred, which, on the other hand, was elicited by the attitude of the clergy themselves.

In substance: as regards goods and chattels, the Catholic Church has full capacity to acquire and handle property. But in so far as landed property is concerned, the Mexican Constitution forbids the Catholic Church to own real estate or capital invested in the same, and the only right granted the Church by the laws is to maintain the temples immediately or directly destined to religious service.

Concerning the temples open for worship, which are the property of the State, their number is considerably greater than is required to fill the demand, and the Government is not occasioning a damage, but simply exercising a right, when it consolidates the property of those temples which it is not essential should remain in the power of the Church.

CONVENTS.

The laws of the Reform established the abolition of all convents and of all religious associations of monastic life. The monastic orders existing in Mexico, not only those of a merely contemplative nature, but also those of an educational and charitable nature, were abolished in virtue of these laws.

In 1874 they even went so far as to abolish the charity institution known as "Sisters of Charity," and the other regular orders, especially those of the Jesuits, were then expelled.

The abolition of the monastic orders in Mexico was a measure clearly taken in defence of human liberty, which was found to be threatened by them.

This was especially so in regard to women, whose education was still very deficient, so that they were not in a condition to defend their liberty when the tremendous moral pressure of parents and relatives was brought to bear upon them in order to force them to enter a convent.

The Mexican woman, particularly the one who possessed riches in her own right, was always exposed to the danger of seeing her liberty restricted by her entrance into a convent, where it became impossible to prove that her permanence there was not absolutely voluntary.

The Mexican woman has not, like the American woman, an education which enables her personally to look after her own liberty, and before the passing of the laws of the Reform, experience taught that the existence of convents was a constant threat to feminine liberty.

Even subsequently to the passing of these laws, rich heiresses have always been the object of suggestions inducing them to take the religious vow in a foreign country.

The laws of the Reform completely abolish the monastic orders, and within the principle established by them, all religious congregations of a monastic character must be dismembered.

At the time of General Diaz, however, a policy of toleration was initiated in favor of religious orders, first in regard to charity institutions, later in regard to educational orders, finally winding up by assuming the same tolerant attitude toward the contemplative orders, which, although illegal in their existence, were not effectually proceeded against by the judicial authorities.

The conditions prevailing in Italy after 1870; those which have been prevalent for a long time in Spain, since the considerable excess of monastic orders made necessary the positive deportation of persons bound by monastic vows; and the conditions recently created in France for monastic orders, especially for those of an educational character, since 1906—all this has led a great number of foreign nuns and monks to take refuge in Mexico and settle there with the character of monastic orders.

The existence of these orders was tolerated in the time of General Diaz. Many of them constituted an open violation of the law, others, chiefly the French educational orders, tried to conform themselves to the laws of public instruction and acquired greater freedom of action in their work.

On the fall of General Huerta and the inauguration of the Constitutionalist Government in the principal cities of the Republic, several monastic orders were abolished, and as the members of these were mostly foreigners, the majority voluntarily expatriated themselves.

It is not true that the nuns were made victims of such offences as have been attributed to the members of the Constitutionalist army. The only occurrence has been the dispersion of several religious groups, whose members have withdrawn to foreign countries.

RESUME.

The religious question in Mexico can be summarized as follows:

1. The aim of the Constitutionalist Government regarding the Catholic Church are not such as might be inferred from the isolated acts which, as a consequence of the war, and above all, of the intervention of the clergy in our political contentions, the Catholic Church has on several occasions had to undergo.

2. The conditions of the Catholic Church in Mexico are totally different from the conditions of the same Church in the United States.

3. The laws of the Reform establish a determined condition for the Catholic Church in Mexico, which is totally different from the condition which it has according to the laws of the United States.

4. The said laws of the Reform correspond to a situation which is peculiar to Latin America, and the laws in question are absolutely indispensable in order to deprive the Catholic Church of the temporal power which it had before the War of the Reform.

5. These laws must subsist at the present time, because the social conditions which made them requisite are still prevalent.

6. During recent years the Catholic Church in Mexico was entirely lawless, transgressing the regulations of the Mexican Constitution and of the laws of the Reform.

7. The intervention of the clergy in political matters, the possession of landed property on the part of the clergy, and the existence of convents, are acts wholly illegal and violative of the Constitution.

Briefly, whatever abuses or excesses which, without the knowledge and without the consent of the Government, may have been committed, are far from having the importance which is attributed to them, and are nothing more than a consequence of the conditions in which the same Catholic Church placed itself on taking an active part in the struggle against the Constitutionalist Revolution.

The Constitutionalist Government has tried and continues trying to reduce to a minimum the possible reprisals against the Church. The Constitutionalist Government intends, at the same time, to maintain the absolute separation of the Church and State, and, therefore, it is not to be wondered at that it enforces all the measures which tend to deprive the Catholic clergy of the temporal power which it is attempting to recover; and it declares, if necessary, the incapacity of the religious corporations to organize political groups; and that it proceeds to confiscate those properties which are illegally in the hands of the Church, or of which, even when owned by individuals, the usufruct can be proved to be reserved to the Church.

The Constitutionalist Government finally proposes to make effective the abolition of the monastic orders existing in Mexico, and, above all, of those of a merely contemplative character.

To sum up, the Constitutionalist Government proposes to give full guarantees in religious matters to the exercise of any cult, but strictly enforces the observance of the laws of the Reform and of the Mexican Constitution.

APPENDIX

Law of the 12th of July, 1859

MINISTRY OF JUSTICE, ECCLESIASTICAL AFFAIRS AND PUBLIC INSTRUCTION.

Most Excellent Sir:—His Excellency the constitutional President ad interim of the Republic has ordered the following decree to be published:

THE CITIZEN BENITO JUAREZ, Constitutional President ad interim of the United States of Mexico, to all its inhabitants, know ye:

That with the unanimous approval of the Cabinet, and

CONSIDERING

That the present war, promoted and sustained by the clergy, has for its chief aim the deliverance of said clergy from its dependence to the civil authorities;

That when these authorities have offered to better the income of the clergy, the clergy has refused even that which would be to its benefit, in order to disavow the authority of the sovereign people;

That when the sovereign people, fulfilling the mandate of the clergy itself on the subject of parochial imposts, attempted thereby to remove from the clergy the hatred it was attracting by its manner of collecting these imposts, the clergy chose to seem to desire to perish rather than to subject itself to any law;

That inasmuch as the determination shown in these matters by the Archbishop proves that the clergy can support itself in Mexico, as in other countries, without civil law regulations of the collection of imposts from the faithful;

That if at other times there might have been some one to doubt that the clergy has been one of the constant hindrances to the establishment of public peace, at present all acknowledge that it is in open rebellion against the sovereign people;

That the clergy, having diminished by waste the large funds intrusted to it for holy purposes by the faithful, now inverts what remains of those funds in the general destruction, supporting and making bloodier every day the fratricidal struggle begun by the same clergy in its disavowal of the legitimate authority, denying the Republic the right to constitute a government to the people's convenience;

That, since up to the present all efforts to end a war that is ruining the Republic have failed, to leave any longer in the hands of the sworn enemy the resources which it has misused so grievously would be to become its accomplice, and

That it is an imperious duty to put in execution all measures that may save the situation and save society;

I have thought it wise to decree the following:

Article 1.—All the property that the secular and regular clergy has been managing under various titles, whether in the shape of landed property or in whatever name or form it may have been held, comes under the dominion of the nation.

Art. 2.—A special law will determine the manner and form of entry, into the treasury of the nation, of the wealth above mentioned.

Art. 3.—There shall be perfect independence between the affairs of the State and the affairs purely ecclesiastical. The government will limit itself to protect with its authority the public worship of the Catholic religion, as well as of any other religion.

Art. 4.—The ministers of the faith for the administration of the sacraments and other religious functions, will be permitted to accept the gifts and oblations offered in return for services rendered. Neither gifts nor indemnizations can be rendered in the shape of real estate.

Art. 5.—The existent religious orders, regardless of the denomination to which they may belong and of the purpose for which they may have been created, as well as archconfraternities, confraternities and brotherhoods united to the religious communities and the cathedrals or parishes or whatever other churches, are suppressed throughout the Republic.

Art. 6.—The foundation and construction of new convents or religious orders of archconfraternities, confraternities and brotherhoods of whatever form or appellation, are hereby prohibited. In the same manner the wearing of the dresses of the suppressed orders is forbidden.

Art. 7.—As this law reduces the regular clergy of the suppressed orders to the secular clergy, they will be subject, as the latter, to the ordinary ecclesiastics, in religious matters.

Art. 8.—To each one of the regular ecclesiastics of the suppressed orders, who will not disobey the law, the government will give 500 pesos once only. To the regular ecclesiastics who, because of sickness or old age, are incapacitated in their duties, in addition to the 500 pesos there shall be given 3,000 pesos invested in property so that they may support themselves competently. Of both sums they may dispose freely as of their own property.

Art. 9.—The members of the suppressed orders will be empowered to take to their homes furniture and other appurtenances which they had in the convent for their personal use.

Art. 10.—The images, embroideries, robes and sacred vessels of the suppressed regular churches shall be delivered over to the bishop of the diocese for formal inventory.

Art. 11.—The governor of the District and the governors of the States at the demand of the M. R. Archbishop and the R. Bishops of the dioceses, shall designate those temples of the suppressed regulars that are to be used for religious services, explaining first and scrupulously their necessity and utility.

Art. 12.—The books, manuscripts, paintings, and antiques and other objects belonging to the suppressed religious communities shall be turned over to the museums, public schools, libraries and other public establishments.

Art. 13.—The regular ecclesiastics of the suppressed orders who after fifteen days from the publication of this law in each place continue to wear in public the ecclesiastical robe, or to live in communities, will not receive

their share as mentioned in article 8, and after the fifteen days have elapsed, should they continue to live in communities, they will be immediately expelled from the Republic.

Art. 14.—The convents of the nuns which are at present in existence shall remain, observing the private regulation of their cloister. The convents of these nuns which were subject to the spiritual jurisdiction of some of the suppressed regulars, remain under that of the bishops of the diocese.

Art. 15.—Every nun that may leave her convent shall receive, on leaving, the sum given as dowry on her entrance to the convent, whether this was given as paraphernalia, or obtained as a private donation, or acquired from some pious foundation. Each sister of mercy who had brought nothing to her convent shall receive a sum of 500 pesos on the act of leaving the convent. Of the dowry as well as the pension they shall dispose freely as of their own property.

Art. 16.—The political and judicial authorities of the place shall offer all manner of help to the outgoing nuns, so as to make effective the payment of the dowry or the sum mentioned in the above article.

Art. 17.—Each nun shall keep the capital which in the shape of dowry may have gone to the convent. This capital will be secured to her in landed property or real estate by means of official documents which will be issued to her individually.

Art. 18.—To each one of the convents of nuns there will be left a sufficient capital so that with its proceeds they may attend to the repair of the factories and expenses of the feasts of their patron saints and of Christmas, Holy Week, Corpus Christi, Resurrection and All Saints and to other expenses.

The superiors and chaplains of the respective convents shall give the estimates for these expenses, which shall be presented within fifteen days after the publication of this law to the governor of the District and to the governors of the respective States for their revision and approval.

Art. 19.—All the wealth remaining in the convents shall be turned over to the general treasury of the nation in accordance with article 1 of this law.

Art. 20.—The nuns which shall remain cloistered can dispose of their respective dowries, bequeathing them freely according to law. In case they do not leave a will or have no kin who can receive that inheritance, then the dowry will be turned into the public treasury.

Art. 21.—All the convents for nuns will be closed forever to the novitiate. The present novices will be permitted to take their vows and on leaving the novitiate they will receive what they brought to the convent.

Art. 22.—All transfers of wealth mentioned in this law, be they by some individual of the clergy or whatever persons who should not have received authorization from the constitutional government, are null and void. The buyer, be he a native or a foreigner, is obliged to return whatever was brought, or its value, and furthermore shall be fined five per cent. of the value. The notary who authorized the contract shall be deposed and forever debarred from public service, and the witnesses will suffer the penalty of from one to four years in the penitentiary.

Art. 23.—All those who directly or indirectly shall oppose or in whatsoever manner prevent the fulfilment of this law, will be, according as the government qualifies the gravity of the offense, expelled from the Republic or turned over to the judicial authorities. In this case they will be judged and punished as conspirators. There will be no appeal of pardon from the

sentence which will be pronounced against these culprits by the competent court.

Art. 24.—All the penalties which this law imposes will be made effective by the judicial authorities of the nation or by the political ones of the State, these communicating immediately with the general government.

Art. 25.—The governor of the District, and the governors of the States in their turn, shall consult with the government the means which they will find convenient for the fulfilment of this law. Therefore I order it printed, published and circulated. Given in the government palace in Veracruz, 12th of July, 1859. BENITO JUAREZ, Melchor Ocampo, President of the Cabinet, Minister of the Interior in charge of Foreign Relations, and of War and of Navy. Lic. Manuel Ruiz, Minister of Justice, Ecclesiastical Affairs and Public Instruction.—Miguel Lerdo de Tejada, Minister of the Treasury and in charge of "Fomento" (Public advancement).

I communicate this to Your Exc. for your information and fulfilment. Palace of the general government in Veracruz, 12th of July 1859.

Ruiz. Most excllt. governor of the State of.

LAW

of the 25th of September, 1873, on additions and reforms to the Constitution

Department of the Interior.—First Section.

The citizen President of the Republic has forwarded to this Department the following decree:

SEBASTIAN LERDO DE TEJADA, Constitutional President of the United States of Mexico, to all its inhabitants, know ye:

That the Congress of the Union has decreed the following:

The Congress of the United States of Mexico in the exercise of the faculty conceded by article 127 of the political Constitution promulgated the 12th of February, 1857, and in accordance with the approval of the majority of the Legislatures of the Republic, declares the following articles to be additions and reforms to the same Constitution:

Article 1.—The State and the Church are independent from each other. Congress cannot dictate laws establishing or prohibiting any religion.

Art. 2.—Matrimony is a civil contract. This and other acts on the civil state of persons are of the exclusive jurisdiction of civil functionaries and authorities, in the terms provided by the laws, which will have the force and validity attributed to them.

Art. 3.—No religious institution may acquire real estate or capital invested in real estate, except only as established by article 27 of the Constitution.

Art. 4.—The simple promise to tell the truth and to fulfill the contracted obligations shall substitute the religious oath with its effects and penalties.

Art. 5.—No one may be compelled to lend his personal services without a fair retribution or without his full consent. The State cannot admit the validity of any contract, pact or agreement, by virtue of which a man may

impair, lose or irretrievably sacrifice his liberty, whether by reason of work, of education, or of religious vows. The law, consequently, does not recognize monastic orders, nor can it permit their establishment, whatever their denominations, or the object with which they claim to be formed. It cannot authorize pacts by which a man agrees to his proscription or to his exile.

TRANSITORY

The anterior additions and reforms of the Constitution shall be published at once with the greatest solemnity in the whole Republic. Palace of the Congress of the Union, September 25, 1873. Wherefore, I order that it be printed, published, circulated and obeyed. Given at the National Palace of Mexico on the 24th of September 1873. SEBASTIAN LERDO DE TEJADA. To the citizen Lic. Cayetano Gómez y Pérez, in charge of the Ministry of the Interior. I forward it to you for your cognizance and for its consequent effects. Independence and Liberty, Mexico, September 25, 1873. Cayetano Gómez y Pérez, Acting Secretary.

Citizen governor of the State of

LAWS OF REFORM

Law of December 14th, 1874

Department of the Interior.—First Section.

The citizen President of the Republic has ordered to publish the following decree:

SEBASTIAN LERDO DE TEJADA, Constitutional President of the United States of Mexico, to its inhabitants, know ye:

"That the Congress of the Union has decreed the following:

"The Congress of the Union decrees:

FIRST SECTION.

"Art. 1.—The State and the Church are independent from each other. No one will be empowered to dictate laws establishing or prohibiting any religion; but the State exercises authority over them, in regard to the preservation of public order and the respect of the institutions of the State.

"Art. 2.—The State guarantees the exercise of all cults in the Republic. It will only prosecute and punish practices and acts authorized by some cult, which may be in violation of our penal laws.

"Art. 3.—No authority or corporation, or organized body, may take part officially in the acts of any cult; nor under the pretext of religious solemnities will they be permitted to make any demonstrations or celebrations. Therefore no holidays are authorized except those which have as their object the solemnization of purely civil events. The Sundays are designated as days of rest for the offices and public establishments.

"Art. 4.—Religious instruction and the official practices of any cult whatever, are forbidden in all the establishments of the Federation, of the States and of the municipalities. The principles of morality will be

taught in those establishments where it may be relevant to do so, without reference to any cult. The infraction of this article will be punished by a government fine of 25 to 200 pesos, besides the dismissal of the guilty parties in case of repetition of the offense. Persons living in a public establishment may, if they so desire, meet in the temple of their faith and receive in the same establishment, in case of extreme urgency, the spiritual assistance of the religion they profess. The corresponding regulations will fix the manner of carrying out this authorization without impairing the object of the establishment and without infraction of article 3.

"Art. 5.—No religious act can take place in public, but only within a temple, under penalty of stopping the act and punishing its authors by a government fine of 10 to 200 pesos or imprisonment from ten to fifteen days. Should the act have taken a solemn character by the number of persons attending it, or for any other circumstances, the authors of it, as well as the persons who will not obey the intimation of the authorities to desist from it, will be imprisoned and turned over to the judicial authorities, incurring a sentence from two to six months imprisonment.

No religious minister, or individual of either sex, member of a cult, is permitted to wear distinctive or characteristic robes of his cult outside of the temples, under penalty of 10 to 100 pesos.

"Art. 6.—The ringing of bells will be limited strictly as a call to the performance of religious acts. The police shall regulate the ringing of bells so that it may not cause any inconvenience to the public.

"Art. 7.—For a temple to enjoy the prerogatives of such, in accordance with article 969 and with the other articles on this matter of the Penal Code of the District, which articles are hereby declared in force throughout the Republic, the existence and installation of the temple must be communicated to the political authorities of the locality, where it shall be entered in a registry kept for this purpose, and from where notice shall be given to the government of the State, which in its turn shall advise the Ministry of the Interior. As soon as a temple is known to be used for other purposes than those exclusively of its cult, it shall be stricken from the registry of temples for the effects of this article.

"Art. 8.—The legacies and institutions of successions which may be made in favor of ministers of any cult or of persons who dwell with the aforesaid ministers, if these should have given any manner of spiritual help to the testator during the sickness from which he died, or have been his confessors, are null and void.

"Art. 9.—Equally null and void are the institutions of succession or legacies, which, even though they may have been made ostensibly in favor of those legally qualified, are in direct contravention of the law and infringe fraction III of art. 15.

"Art. 10.—The ministers of the cults may not enjoy, by reason of their character, any privileges which shall distinguish them, by law, from other citizens, and are not subject to any more interdictions than those which this law and the Constitution outline.

"Art. 11.—The speeches of religious ministers which may be spoken advising disobedience to the laws or provoking some misdemeanor or some felony make unlawful the assembly wherein such words are spoken, and therefore such assembly loses the guarantees granted in art. 9 of the Constitution. The author of the address or speech will be subject in this case to the rules of the third book, section six, chapter eight of the Penal Code, which is declared in force on this point throughout the Re-

public. The misdemeanors committed by instigation or suggestion of a minister of any cult, as referred to in this article, place such minister in the category of principal author of the deed.

"Art. 12.—All meetings which may take place in temples shall be public, subject to the vigilance of the police, and the authorities may exercise the function of their office when the case demands it.

"Art. 13.—Religious institutions are free to organize hierarchically as they please; but such organizations have no legal status before the State except to invest the superiors of the organizations in each locality with the representative character referred to in article 15. No minister of any cult may therefore present himself officially as such to the authorities. He may present himself only in the form and with the requisites with which every citizen may exercise the right of petition.

SECOND SECTION.

"Art. 14.—No religious institution may acquire real estate, or capital invested in real estate, excepting the temples to be used immediately and directly in the public service of the cult and the annex property which may be strictly necessary for such service.

"Art. 15.—The religious associations, represented in each locality by their superiors, have the following rights:

I.—The right of petition.

II.—The ownership of the temples acquired in conformity with article 14. The laws of the State in which the buildings are located shall determine on whom the right of ownership of the temples shall fall should the property be abandoned or the association dissolved.

III.—The right of receiving alms or gifts, which may never be made in real estate, titles, bonds or promises of future payment, whether in the shape of bequests, testamentary donations, legacies or any other kind of obligation of this sort, all which are hereby declared void.

IV.—The right of receiving alms in the interior of the temples by means of collectors appointed for such purpose, with the understanding that outside the temples it is forbidden to appoint such alms collectors; the appointed ones being included in article 415 of the Penal Code of the District, which article is hereby declared in full force throughout the Republic.

V.—The right assigned in the next article.

"Besides the abovesaid rights, the law does not grant any others to religious societies as corporations.

"Art. 16.—The temples which according to the law of July the 12th, 1859, were nationalized and which have been left to the Catholic cult, as well as others which later may have been ceded to any other religious institutions, shall continue to belong to the nation, but its exclusive use, conservation and improvement, will belong to the religious institutions to whom they may have been ceded, as long as the consolidation of the property shall not have been decreed.

"Art. 17.—The buildings spoken of in the two former articles shall be exempt of payment of contributions, except in case that they should be constructed or acquired nominally or outright by one or more individuals without transmitting them to a religious society. The property in such case shall be governed according to the common laws.

"Art. 18.—The buildings which do not belong to private individuals and which according to this section and the following one should be re-

gained by the nation, shall be transferred according to the laws in force that control this matter.

THIRD SECTION.

"Art. 19.—The State does not recognize any monastic orders nor can it permit their foundation, no matter what their denomination may be nor the object for which they would be created. The secret orders which may have been established shall be considered as illegal and the authorities can dissolve them, should their members live together; in any case, their chiefs, superiors and directors, will be judged as guilty of an infraction of individual guarantees, in conformity with art. 963 of the Penal Code of the district, which article is hereby declared in force throughout the Republic.

"Art. 20.—The religious societies whose members live under certain rules peculiar to themselves, under temporary or perpetual promises or vows, and under the control of one or more superiors, are regarded as monastic orders, subject to the previous article, even though each member of the society should have a dwelling apart from the others. Consequently, the first and relevant declarations in the circular of the Ministry of the Interior issued on the 28th of May, 1861, are hereby declared null.

FOURTH SECTION.

"Art. 21.—The simple promises to tell the truth, and to fulfil one's obligations, shall substitute the religious oath in its effects and penalties; but either promise is a legal requisite only when it is necessary to testify in a court, in which case the first promise shall be offered; and the second shall be offered on taking possession of an official position. The latter will be made in a formal oath, without any reserve, to obey and preserve the political Constitution of the United States of Mexico with its additions and reforms, and its laws. This oath shall be taken by all those who take charge of a public office of the Federation, of the States or of the Municipalities. In all other cases in which, according to the laws, the religious oath had some civil consequences, it has these no longer, even though it should be taken.

FIFTH SECTION.

"Art. 22.—Marriage is a civil contract, and that as well as other acts which fix the civil state of individuals, belong to the realm of the functionaries of the civil order according to the laws and shall have the force and validity which the laws may give them.

"Art. 23.—The right to legislate on the civil state of the individuals, and to rule the manner in which the corresponding acts shall be performed and recorded, belongs to the States, but their resolution shall be subject to the following rules:

I.—The offices of the Civil Register shall be as numerous as it may be necessary to accommodate all persons who may have need of it, and must always be in charge of employees of tried ability and honorability.

II.—The register of the acts of the civil state shall be entered with accuracy, in separate entries, in books which will be under the inspection of the political authorities. The inscription shall be done with all necessary formalities which will guarantee authenticity and the veracity of its

records. They will not be allowed to have erasures, or corrections, or additions between lines, and the remark (rejected) shall be placed after every mistaken record before signing it, and the new correct inscription shall be recorded immediately following the erroneous one.

III.—These services incumbent on the civil state of persons shall be entirely gratuitous, and a table of rates may be established to exact payment only for those acts that could be performed in the offices of the Civil Register, but which take place, for the greater convenience of witnesses, in the homes of those interested, at their request, and for the burial in privileged plots of the public cemeteries.

IV.—The officers of the Civil Register shall keep a duplicate of their books in which there shall be no interruptions between the records. Every six months this duplicate, legalized at the bottom of the last entry, together with a statement of the number of pages it contains, every page signed on the margin, shall be sent to the archives of the government of the State. Likewise and furthermore, they shall remit a notice of the acts registered in a month.

V.—All the acts of the Civil Register shall have a public character, and nobody shall be denied the inspection of the records.

VI.—The records of the Register will be the only proof of the civil state of individuals, and will be considered legal in the courts unless they can be proved to be forgeries.

VII.—Civil marriage may be celebrated by one man with only one woman. Bigamy and polygamy being crimes punishable by law.

VIII.—The will of the contracting parties, freely expressed in the form that the law shall establish, constitutes the essence of civil marriage; consequently, the law shall protect the utterance of such will and shall prevent any compulsion against it.

IX.—Civil marriage may be dissolved only by the death of one of the consorts; but the law may permit temporary separation for serious reasons which shall be determined by the legislature, this separation allowing neither consort to unite in wedlock with any one else.

X.—Marriage may not be contracted by persons who, for physical unfitness, cannot fulfill the object of that state; or by those who, because of moral incapacity, are unable to express their consent to it. Marriages performed in these cases shall be annulled by petition of one of the contracting parties.

XI.—Kinship, whether natural or legal, between descendants and ancestors in direct line, or brothers, or step-brothers, shall also prohibit their intermarriage and, when contracted in such cases, shall nullify it.

XII.—All cases brought by married couples before the civil authorities as to the validity or nullity of marriage, or of divorce, or other matters pertaining to their civil state, shall be carried on as the law may determine; and any resolutions that may be dictated by the ministers of any cult on these questions, shall have no legal effect.

XIII.—The law shall not impose or prescribe religious rites, in respect to marriage. The married couples are free to receive or not the blessings of the ministers of their religion, which shall have no legal effect.

XIV.—All cemeteries and places of burial will be under the immediate inspection of the civil authorities even should they be private enterprises. No establishment of the kind may be founded without license from the

authorities. Burials or exhumations may not be carried out without permission or written orders of the authorities.

"Art. 24.—The civil state of a person registered in one State or District, shall be recognized in all the others of the Republic.

SECTION SIXTH.

"Art. 25.—No one may be compelled to lend his personal services without his full consent or without fair retribution. The lack of consent, even when there should be retribution, constitutes an attack against personal liberty; and the same holds true should retribution be lacking when services have been lent, with tacit or expressed consent, on condition of forthcoming retribution.

"Art. 26.—The State cannot admit the validity of any contract, pact or agreement, by virtue of which a man may impair, lose or irrevocably sacrifice his liberty, whether by reason of work, of education, or of religious vows; nor can it authorize pacts by which a man agrees to his proscription or exile. All the contracts which may be made in contravention of this article are null and void and oblige those who accept them to indemnify the losses and injuries caused.

GENERAL ORDERS.

"Art. 27.—It is in the power of the political authorities of the States to impose the sentences of which this law treats. These same authorities shall incur, before the governor of the State, the double of these penalties, should they authorize or knowingly tolerate any infringement of the laws. The Governors of the States are responsible, in their turn, for any infractions of the present law or omission of the same committed by them or by the authorities and officials subject under their orders.

"Art. 28.—Crimes committed against sections 1, 2, 3 and 6 of this law are punishable by the federal laws and are under the jurisdiction of the courts of the Federation; but the judges of the States shall try them in all places where there is no District Judge; carrying these cases on to the sentence which shall be passed by the District Judge to whom they shall be sent. The crimes committed against sections 4 and 5 shall be tried according to the usual laws by the empowered authorities in each locality.

"Art. 29.—The Laws of Reform are recast in this Law; but, as regards the Civil Register, the Laws of Reform shall continue in force until the States legislate in conformity with section 5. They shall also continue in force in regard to the nationalization and alienation of ecclesiastical property, and the payment of dowries to ex-nuns, with the changes hereby made to art. 8 of the law of the 25th of June, 1856. Given at the Palace of the Legislative Power, on the 10th of December, 1874.—Nicolás Lemus, President of the Chamber of Deputies. Antonio Gómez, Deputy Secretary. Luis G. Alvarez, Deputy Sec. J. V. Villada, Deputy Sec. Alejandro Prieto, Deputy Sec."

Whereof I order it printed, published, circulated and obeyed. Given at the Palace of the National Government, at Mexico City, on the 14th of December, 1874.

SEBASTIAN LERDO DE TEJADA.

Section of the Constitution of the United States of Mexico
Relative to the Law of Reform

Art. 5.—

The State cannot admit the validity of any contract, pact or agreement, by virtue of which a man impairs, loses, or irrevocably sacrifices his liberty, whether by reason of work, of education, or of religious vows.

The law, consequently, does not recognize monastic orders, nor can it permit their establishment, whatever be their denomination, or the object with which they claim to be formed. It cannot authorize pacts by which a man agrees to his proscription or exile. (Reform of the 19th of June, 1898.)

Art. 27.—

Religious corporations or institutions, whatever be their character, denomination, duration or purpose, and civil institutions under the patronage, direction or administration of the former, or of ministers of any sect, will not have legal capacity to acquire ownership or administration of real estate other than that of the buildings which are immediately and directly destined to the service or object of said corporations and institutions; nor will they be legally authorized to acquire the ownership or administration of capital invested in real estate.

Civil corporations and institutions which are not comprised in the foregoing case, may acquire ownership and administration, not only of the buildings referred to, but of all real estate and capital invested in same, which may be required for the maintenance and end of said institutions, but subject to the requisites and limitations which federal laws may establish through the Congress of the Union. (Reform of the 14th of March, 1901.)

MSH 21092

**END OF
TITLE**